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June 13, 2008

**BY HAND**

Honorable John E. Sprizzo  
United States District Court  
500 Pearl Street  
New York, New York

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 6/18/08

Re: Mitchell v. Carbon Capital II, Inc. – 08 Civ. 4319 (JES)

Dear Judge Sprizzo:

We are attorneys for plaintiff Guy T. Mitchell. We write to bring to Your Honor's attention a recent ruling in the Northern District of Illinois that will impact our ability to timely complete discovery of nonparties Hyatt Corporation and Hyatt Equities LLC (collectively, "Hyatt").

As Your Honor will recall, Hyatt had refused to comply with our subpoenas duces tecum and, although the court in the Northern District of Illinois granted our motion to compel, it permitted Hyatt until June 16, 2008 to complete its production of responsive documents. At the June 10, 2008 conference, Your Honor granted our application to extend the date for completion of Hyatt discovery for nine days, to June 25, 2008. Your Honor also granted us permission to submit the resultant documents and deposition designations to the Court after the June 18, 2008 hearing.

Yesterday, Hyatt asked the Northern District of Illinois to modify its order, seeking an extension until June 23, 2008 to complete its production. Although we informed that court of the discovery schedule imposed by Your Honor, as reflected in the enclosed minute entry, it has extended Hyatt's production deadline until June 23, 2008. We will not be able to review Hyatt's production and take the pertinent depositions in Chicago by June 25, 2008.

Accordingly, we respectfully request that Your Honor extend the date for plaintiff to complete its discovery of Hyatt an additional nine days until July 2, 2008.

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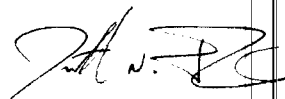
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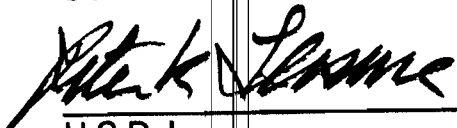
Thank you for Your Honor's consideration.

Respectfully,

  
Jonathan N. Francis

Attachment

cc: Nicholas P. Crowell, Esq.  
Philip Shatz, Esq.

6/17/08 SO ORDERED:  
  
U.S.D.J.  
for Judge Sprizzo

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.2.1  
Eastern Division**

Guy T. Mitchell

Plaintiff,

v.

Case No.: 1:08-cv-03193

Honorable Ronald A. Guzman

Carbon Capital II, Inc.

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Thursday, June 12, 2008:

MINUTE entry before the Honorable Jeffrey Cole: Hyatt has moved for an additional 7 days in which to complete the production required by my order of 6/6/08 [12]. Mr. Mitchell has voiced concerns over the requested extension in light of the present scheduling of the case in the Southern District of New York. Counsel for Hyatt has represented that production will begin 6/13/08 and will continue on a rolling basis. He has represented, however, that Hyatt cannot comply fully within the time set by the order of 6/6/08. In light of that representation, the request for a 7 day extension until 6/23/08 is granted. No further extensions will be granted for any reason. Mailed notice.(cdh, )

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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